IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5290 of 2007(B)

CRIME NO.283/07 OF MAVELIKKARA POLICE STATION

PETITIONER

B.R.ANIL KUMAR, AGED 35,
S/O.P.R.RAMACHANDRAN PILLAI, 13/923 A,
POCKANASSERY PARAMBU, R.K.PILLA ROAD,
THOPPUMPADY, KOCHI AND WORKING AS BRANCH MANAGER,
INDUSIND BANK, ALAPPUZHA BRANCH.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SRI.E.M.MURUGAN

RESPONDENT:

STATE OF KERALA, REP.BY
SUB INSPECTOR OF POLICE,
MAVELIKKARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5290 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for anticipatory bail. The petitioner is the Manager of a bank which had allegedly advanced amounts to the de facto complainant. The crux of the allegations is that the bank took over possession of the vehicle which was offered as security without resorting to the due process of law. There is no allegation that any force was employed. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that even going by the allegations, there is no use of force in the exercise of the right of re-possession under the agreement between parties. It would be traversity of justice to compel the petitioner to endure the trauma of arrest and incarceration, submits the learned counsel for the petitioner. The learned Public Prosecutor does not oppose the application for anticipatory bail. I take note of the specific assertion made by the learned counsel for the petitioner and the lack of denial on the part of the learned Public Prosecutor that there is no allegation even in the F.I.R that any force was used in the attempt to re-possess the vehicle. I am satisfied that the petitioner can, in these circumstances, be granted anticipatory bail.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/09/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 15/09/2007 and 16/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 14/09/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007